

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
WARREN COOK,

Plaintiff,

-against-

THE CITY OF NEW YORK, JOSE VALENTIN (SHIELD  
NO. 2455), UC 0084 (representing an undercover police  
officer from Narcotics Bureau Manhattan South), JOHN  
DOE 1-4 (representing unidentified officers of the NYPD),

Defendants.  
-----X

**NOTICE OF MOTION  
FOR SUMMARY  
JUDGMENT BASED  
ON QUALIFIED  
IMMUNITY**

09 CV 10238 (CM)

**PLEASE TAKE NOTICE** that, pursuant to the individual practices of the Honorable Judge McMahon defendants<sup>1</sup> City of New York and Jose Valentin will move this Court before the Honorable Colleen McMahon, United States District Judge, at the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure based on Qualified Immunity and in accordance with Judge McMahon's individual practices, on the grounds that the defendant Jose Valentin is entitled to qualified immunity on some or all of plaintiff's claims.

**PLEASE TAKE FURTHER NOTICE** that such motion will be submitted following the prescribed period of discovery set forth in the Court's Individual Practices.


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<sup>1</sup> Upon information and belief, the individual identified in the caption of the Complaint as "UC 0084" has not been served with the Summons and Complaint and therefore, is not a defendant in this action at this time. Defendants reserve their right to move pursuant to Rule 56 of the Federal Rules of Civil Procedure based on Qualified Immunity on behalf of "UC 0084" if he is properly served with process and is a party to this action.

Dated: New York, New York  
May 3, 2010

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
Attorney for Defendants City of New York  
and Jose Valentin  
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By:

  
\_\_\_\_\_  
Stuart E. Jacobs (SJ 8379)  
Assistant Corporation Counsel

TO: BY ECF  
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New York, New York 10007

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***MICHAEL A. CARDOZO***

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Attorney for Defendants City of New York and Jose  
Valentin*

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New York, N.Y. 10007*

*Of Counsel: Stuart E. Jacobs  
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*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 2010*

*..... Esq.*

*Attorney for .....*